

## Message Text

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ACTION IO-14

INFO OCT-01 EUR-25 ISO-00 DLOS-06 AF-10 ARA-16 EA-11

NEA-10 RSC-01 COA-02 EB-11 OIC-04 ACDA-19 AEC-11

AGR-20 CG-00 COME-00 DOTE-00 FMC-04 INT-08 JUSE-00

NSF-04 OMB-01 DRC-01 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-10 PA-04 PRS-01 SPC-03 SS-20

USIE-00 SSO-00 NSCE-00 INRE-00 /240 W

----- 077056

O 081855Z DEC 73

FM USMISSION USUN NY

TO SECSTATE WASHDC IMMEDIATE 1903

AMEMBASSY STOCKHOLM IMMEDIATE

AMEMBASSY HELSINKI IMMEDIATE

AMEMBASSY VIENNA IMMEDIATE

C O N F I D E N T I A L USUN 5488

DEPT PLEASE PASS FOR ACTION ALL NATO CAPITALS IMMEDIATE

E.O. 11652: GDS

TAGS: PBOR, UN

SUBJ: LOS CONFERENCE

REF: USUN 5485

1. A SITUATION HAS ARISEN AT LAW OF THE SEA CONFERENCE  
IN NEW YORK WHICH RAISES FUNDAMENTAL QUESTIONS REGARDING  
US PARTICIPATION; AND ALTHOUGH REPRESENTATIVES OF NATO  
COUNTRIES ARE AWARE OF THIS ASPECT, WE ARE NOT CERTAIN  
THEIR FOREIGN OFFICES UNDERSTAND THE CRITICAL NATURE OF  
IMPASSE AND BELIEVE IT NECESSARY THAT DEMARCHES BE MADE  
SO THAT THEIR DELEGATES WILL HAVE UNAMBIGUOUS INSTRUCTIONS  
TO SUPPORT OUR POSITION STRONGLY. THIS REQUIRES RAISING  
AT HIGH POLITICAL AND NOT EXPERT LEVEL.

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2. SINCE ISSUE MAY BE DECIDED MONDAY, REPRESENTATIONS SHOULD TAKE PLACE SUNDAY OR MONDAY MORNING DEC 10 SO THAT INSTRUCTIONS COULD BE TELEPHONE OR TELEGRAPHED TO NATO DELEGATIONS AT LOS CONFERENCE SAME MORNING IF AT ALL POSSIBLE. REQUEST THAT THE DEPARTMENT SEND APPROPRIATE INSTRUCTIONS.

3. THE ISSUE WILL BE UNDERSTOOD IN GREATER DETAIL FROM ACCOMPANYING TELEGRAM USUN 5485 BUT CAN BE SUMMARIZED AS FOLLOWS: US HAS TRADITIONALLY BEEN REPRESENTED ON KEY COMMITTEES OF UN-SPONSORED CONFERENCES, SOMETIMES TECHNICALLY AS MEMBER OF "WESTERN EUROPEAN AND OTHERS" GROUP BUT BASICALLY BECAUSE MEMBERSHIP ON KEY COMMITTEES BY FIVE PERMANENT SC MEMBERS HAS NOT BEEN QUESTIONED. IN THE PARTICULAR CASE OF THE LOS CONFERENCE, HOWEVER, TENDENCY (ESPECIALLY OF LDC'S) IS TO TREAT THE US APART OF WEO GROUP ON ASSUMPTION THAT THAT GROUP WOULD ACCOMMODATE US BY GIVING US ONE OF WEO SEATS ON GENERAL AND DRAFTING COMMITTEES. THE PROBLEM FOR US IS THAT WHILE SOME MEMBERS OF WEO GROUP

ARE WILLING TO GIVE US THOSE SEATS, THERE IS NO ASSURANCE ON THAT SCORE; AND AS LONG AS THERE IS NO SUCH ASSURANCE, WE CANNOT AGREE TO BE SEATED AS MEMBERS OF WEO GROUP.

4. TECHNICALLY, THE CONDITIONS FOR ACCOMMODATING OF US INTERESTS EXIST; BUT POLITICALLY THERE IS NOT YET THE COLLECTIVE WILL IN WEO GROUP TO MAKE THIS HAPPEN. THIS IS BECAUSE THE CONFERENCE IS WILLING TO ALLOT AN EXTRA SEAT FOR THE WEO GROUP IN THE DRAFTING COMMITTEE FOR PURPOSE OF ACCOMMODATING US; AND THE NINE WEO SEATS ON THE GENERAL COMMITTEE WERE ALLOTTED WITH THE IDEA THAT ONE OF THEM WOULD GO TO US. BUT THERE IS SUCH COMPETITION FOR SEATS IN THE GROUP THAT ASSURANCE THAT THOSE SEATS WOULD GO TO US HAS NOT BEEN OBTAINABLE YET; AND SOME MEMBERS OF GROUP MAY NOT SUFFICIENTLY UNDERSTAND THE HIGH POLITICAL IMPORTANCE WHICH ATTACHES TO FULL US PARTICIPATION ON BOTH COMMITTEES.

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5. IT IS INCONCEIVABLE THAT US WOULD NOT BE REPRESENTED ON 48-MAN GENERAL COMMITTEE SERVING AS STEERING AND COORDINATING BODY FOR THE CONFERENCE. SHOULD WE BE DENIED SUCH PARTICIPATION, IT WOULD RAISE SERIOUS QUESTION WHETHER WE SHOULD PARTICIPATE IN THE CONFERENCE. EXECUTIVE AND LEGISLATIVE BRANCHES, AS WELL AS IMPORTANT ELEMENTS OF PUBLIC OPINION, WOULD NOT BE LIKELY TO TOLERATE

THIS RESULT.

6. IMPORTANT TO ACHIEVING GENERALLY ACCEPTABLE TREATY, AND THUS ALSO OF IMPORTANCE TO HOST GOVTS OF ADDRESSEE POSTS, THAT US FULLY PARTICIPATE. OUR MEMBERSHIP ON DRAFTING COMMITTEE IS ALSO ESSENTIAL IN PROTECTNG NATO SECURITY INTERESTS IN TRANSIT THROUGH STRAITS AND OTHER MILITARY USES WHICH US REPS HAVE EXPLAINED TO NATO COUNCIL. (THIS PARTICULAR ARGUMENT SHOULD NOT BE USED IN ATHENS WHERE STRESS COULD INSTEAD BE LAID ON GENERAL EXPERTISE OF US WHICH SHOULD NOT BE DENIED TO DRAFTING COMMITTEE AND IMPORTANCE OF US PARTICIPATION TO SUCCESSFUL OUTCOME OF CONFERENCE.)

7. AS REGARDS STOCKHOLM, HELSINKI AND VIENNA, WE WOULD APPRECIATE DEPT INSTRUCTION TO TAKE IMMEDIATE ACTION ALONG ANALOGOUS LINES (OMITTING NATO SECURITY ARGUMENTS), EXPLAINING IMPORTANCE WE ATTACH TO REPRESENTATION ON BOTH COMMITTEES AND REQUESTING THAT THEIR LOS DELEGATIONS BE INSTRUCTED TO SUPPORT US CANDIDACIES.  
BENNETT

NOTE BY OC/T: NOT PASSED NATO CAPITALS.

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LAW OF THE SEA, MEMBERSHIP, MEETINGS, STRAITS, COMMITTEES  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 08 DEC 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** morefirh  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1973USUNN05488  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** n/a  
**From:** USUN NEW YORK  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1973/newtext/t19731235/aaaaazyu.tel  
**Line Count:** 138  
**Locator:** TEXT ON-LINE  
**Office:** ACTION IO  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:**  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** USUN 5485  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** morefirh  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 13 SEP 2001  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <13-Sep-2001 by freemaal>; APPROVED <06-Nov-2001 by morefirh>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** LOS CONFERENCE  
**TAGS:** PBOR, US, UN, NATO  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005